

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

LOUIS T. TORRES, JR.,

Plaintiff,

v.

CV No. 19-1041 CG

ANDREW SAUL, Commissioner
of the Social Security Administration,

Defendant.

**ORDER GRANTING UNOPPOSED MOTION TO AWARD ATTORNEY FEES
UNDER THE EQUAL ACCESS TO JUSTICE ACT**

THIS MATTER is before the Court on Plaintiff's *Unopposed Motion for Attorney Fees and Costs Pursuant to the Equal Access to Justice Act (EAJA)* (the "Unopposed Motion"), (Doc. 31), filed October 8, 2020. The Court, having reviewed the Unopposed Motion under the Equal Access to Justice Act ("EAJA"), 28 U.S.C. § 2412, finds the Unopposed Motion is well-taken and attorney fees shall be awarded, made payable to Plaintiff but mailed to Plaintiff's attorney in the amount of \$2,252.70. See *Astrue v. Ratliff*, 560 U.S. 586 (2010) (EAJA fees are paid to the prevailing party, not the attorney).

IT IS THEREFORE ORDERED that if Plaintiff's counsel receives attorney fees under both the EAJA and 42 U.S.C. § 406(b) of the Social Security Act, Plaintiff's counsel shall refund the smaller award to Plaintiff pursuant to *Weakley v. Bowen*, 803 F.2d 575, 580 (10th Cir. 1986).

IT IS SO ORDERED.



THE HONORABLE CARMEN E. GARZA
CHIEF UNITED STATES MAGISTRATE JUDGE